

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 36-63 are currently pending in this application, and the Examiner's allowance of Claims 38, 45, 56-58, 62 and 63, and his indication that Claims 46-48 contain patentable subject matter, are noted with appreciation. By the foregoing amendment, Claim 37 has been canceled without prejudice or disclaimer, and Claims 36, 46 and 52 have been revised. Accordingly, Claims 36 and 38-63 remain in this application for consideration and allowance.

Turning first to matters of form, Claims 46-48 currently stand finally rejected under 35 USC §112, second paragraph, as being indefinite due to a lack of antecedent basis in Claim 46 for the term "separate storage wellbore". In the foregoing amendment, this indefiniteness rejection has been overcome, thereby placing Claim 46 and its dependent Claims 47 and 48 in a condition for allowance, by changing the objected-to term "separate storage wellbore" to simply --storage wellbore-- for which there is exact antecedent basis earlier in Claim 46.

Turning now to the merits of applicant's claims, the following substantive claim rejections, which are respectively traversed for reasons subsequently set forth herein, were made in the April 30, 2004 Final Office Action:

1. Claims 36, 39-44, 49, 52-55 and 59 stand finally rejected as being anticipated under 35 USC §102(e) by, or obvious under 35 USC §103(a) over, U.S. Patent 6,279,658 to Donovan et al; and
2. Claims 50, 51, 60 and 61 stand finally rejected as being obvious under 35 USC §103(a) over Donovan et al.

In rejecting Claims 36, 39-44, 49, 50-55 and 59-61 over Donovan et al, the Examiner states that the Donovan et al specification teaches, with respect to the branch wellbores 20a-20n shown in FIG. 2, "injecting gas through any of the wellbores into the formation as well as withdrawing gas from the formation through any of the wellbores".

Independent Claim 36 has been revised in the foregoing amendment to recite the steps of "utilizing the production wellbore **only** to withdraw gas from the formation" and "utilizing the injection wellbore **only** to inject gas into the formation". This clearly and patentably distinguishes Claim 36, and thus its dependent Claims 39-44 and 49-51, over Donovan et al and its showing of wellbores 20a-20n, each of which has been characterized by the Examiner as being utilized to **both** produce and inject as opposed to **only** producing or **only** injecting as set forth in applicant's Claims 36, 39-44 and 49-51.

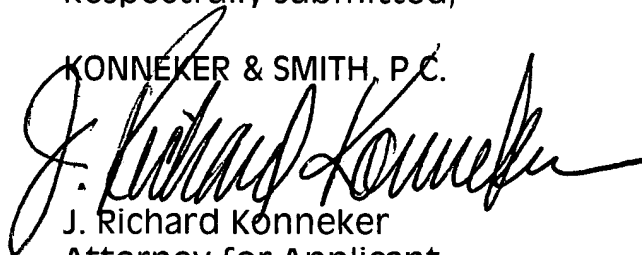
Independent Claim 52 has been revised in the foregoing amendment to set forth the step of "utilizing the main wellbore, the storage wellbore and the production wellbore in a manner selectively injecting gas into the gas storage formation from the main wellbore **only** via the storage wellbore or withdrawing gas from the gas storage formation into the main wellbore **only** via the production wellbore. As previously discussed herein, Donovan et al fails to disclose or suggest this claimed use of any of the wellbores 20a-20n **only** for production or **only** for injection, disclosing instead (as pointed out by the Examiner) that each of such wellbores is used to **both** produce and inject. It is thus respectfully submitted that Claim 52, and its dependent Claims 53-55 and 59-61, are clearly allowable over the Donovan et al reference.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 36 and 38-63 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

KONNEKER & SMITH, P.C.

A large, stylized handwritten signature in black ink, appearing to read "J. Richard Konneker".

J. Richard Konneker
Attorney for Applicant
Registration No. 28,867

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660 N. Central Expwy., #230
Plano, Texas 75074
972/516-0030

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on June 15, 2004
Diane Sutton